OPINION 626

ECHINUS MINUTUS BUCKMAN, 1845 (ECHINOIDEA); VALIDATION UNDER THE PLENARY POWERS. REVISION OF OPINION 107

RULING.—(1) Under the plenary powers the specific name *minutus* Gmelin, 1790, and all uses of the specific name *minutus*, published in the binomen *Echinus minutus*, prior to J. Buckman, 1845, are hereby suppressed for the purposes of both the Law of Priority and the Law of Homonymy.

(2) The following specific names are hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Numbers specified:

(a) *minutus* Gmelin, 1790, as published in the binomen *Echinus minutus* (as suppressed under the plenary powers in (1) above) (Name No. 687);

(b) *minutus*, all uses of in the binomen *Echinus minutus* prior to J. Buckman 1845 (as suppressed under the plenary powers in (1) above) (Name No. 688);

(c) *minutus* Pallas, 1774, as alleged to have been published in the binomen *Echinus minutus* (a cheironym) (Name No. 689);

(d) *minuta* J. Buckman, 1845, as published in the binomen *Cidaris minuta* (a nomen nudum) (Name No. 690).

(3) The generic name *Eodiadema* Duncan, 1889 (gender: neuter), type-species, by monotypy, *Eodiadema granulatum* Wilson, 1889, is hereby placed on the Official List of Generic Names in Zoology with the Name No. 1467.

(4) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

(a) *minutus* J. Buckman, 1845, as published in the binomen *Echinus minutus* (Name No. 1796);

(b) *granulatum* Wilson, 1889, as published in the binomen *Eodiadema granulatum* (type-species of *Eodiadema* Duncan, 1889) (Name No. 1797).

HISTORY OF THE CASE (Z.N.(S.) 1288)

The present case was first submitted to the office of the Commission by Mr. R. V. Melville in December 1957. An application was prepared and was sent to the printer on 7 October 1959. It was published on 16th September 1960 in *Bull. zool. Nomencl.* **17** : 323–325. Public Notice of the possible use by the Commission of its plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (*Bull. zool. Nomencl.* **4** : 51–56). An objection was received from Dr. E. Raymond Hall.

DECISION OF THE COMMISSION

On 1 May 1961 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (61)15 either for or against the proposals

set out in *Bull. zool. Nomencl.* **17** : 325. At the close of the voting period on 1 August 1961 the state of the voting was as follows :

Affirmative Votes—twenty-one (21), received in the following order : Dymond, Mayr, Holthuis, Hering, Hemming, Stoll, Boschma, Riley, Obruchev, Jaczewski, Bonnet, Alvarado, Miller, Brinck, Vokes, do Amaral, Prantl, Lemche, Tortonese, Mertens, Kühnelt.

Negative Votes—two (2) : Key, Uchida.

Leave of Absence—one (1) : Bradley

Voting Papers not returned—one (1) : Evans.

Commissioner Poll returned a late affirmative vote.

The following comments were made by Commissioners in returning their Voting Papers :

Dr. L. B. Holthuis (8.v.61)—" It seems advisable to add to (1) of para. 9 of the proposal (: 325) : ' and all uses of the specific name *minutus* in combination with the generic name *Echinus* published before the publication of the name *Echinus minutus* J. Buckman, 1845' ; to be inserted in the second line of this paragraph between the words ' *minutus* ', and ' for '."

Dr. K. H. L. Key (23.vi.61)—" I am voting against the proposal submitted to the Commission in V.P.(61)15, because it seems, on the evidence presented, that the applicant has misinterpreted in significant respects the actions ascribed to J. Buckman, the author of ' *Echinus minutus* '.

" The applicant treats Buckman's ' *Cidaris minuta* ' and ' *Echinus minutus* ' as separate names, the first a *nomen nudum*, the second an available name. However, assuming that pages 81 and 95 of Murchison's book were published on the same date, the ' back reference ' associated with the description of *Echinus minutus* can surely only have the meaning : ' This is the description of the species cited in the list as *Cidaris minuta* '. There was, in fact, only one species, which, however, was given two different generic assignments in the same work. The situation is thus analogous to that of a name published with two different original spellings. The back reference amounts in a sense to a correction of one of these assignments—unfortunately it is not clear which.

" It is not evident, from the information supplied, just how the species *minutus* came to be given two generic assignments, nor who was responsible for what was apparently a late change. However, since a list can hardly be compiled until the things listed have come into existence, it seems likely that the combination with *Cidaris* was made after the combination with *Echinus* (although it appears on an earlier page)—and it may have been made by Murchison, as the general author of the work, rather than by Buckman ; the back reference could then have been inserted by either Murchison or Buckman.

" There are several uncertainties here, but the important point is that there is no more reason to regard *minutus* as having been published in combination with *Echinus* than with *Cidaris*. Yet if it had been published in the latter combination it could not fall as a homonym of Gmelin's name. The Code does not legislate for a situation such as this. If it did, it might well invoke again the First Reviser principle. However, it is open to the Commission to rule under the plenary powers that *Cidaris minuta* is to be deemed the combina-

tion intended by the author, and it would then not be necessary to suppress *Echinus minutus* Gmelin. It would, however, be necessary to consider whether the author of the species can be accepted as Buckman, or whether it is Murchison and Buckman, and a ruling may have to be given on this point.

" The effect of this course of action and of the one proposed in the application are essentially the same. The reason for opposing the application as it stands is that it rests upon a patently untenable assumption—namely that two different names were published by Buckman."

On 17 May 1961 the Secretary circulated to the Commission a note repeating Dr. Holthuis's comment and adding: " In view of the long period between Gmelin 1790 and Buckman 1845, Dr. Holthuis's proposal seems to be a good one and it is proposed to add a Ruling to this effect in the Opinion. This addition will in no way effect the end sought by the applicant, Mr. Melville, but will be a more efficient and certain way of achieving that end. Any Commissioner who objects to this proposal is asked to submit the objection to me before the end of the Voting Period on 1 August 1961." No objection was received.

Original References

The following are the original references for names placed on Official Lists and Indexes by the Ruling given in the present Opinion:

Eodiadema Duncan, 1889, *Geol. Mag.* (3) **6** : 339

granulatum, Eodiadema, Wilson, 1889, *Geol. Mag.* (3) **6** : 339

minuta, Cidaris, J. Buckman, 1845, *in* Murchison, *Geology of Cheltenham* (ed. 2) : 81

minutus, Echinus, J. Buckman, 1845, *in* Murchison, *Geology of Cheltenham* (ed. 2) : 81

minutus, Echinus, Gmelin, 1790, *in* Linnaeus, *Syst. Nat.* (ed. 13) **1** : 3194

minutus, Echinus, Pallas, 1774, [*Spic. Zool.* (10) : 34]

CERTIFICATE

We certify that the votes cast on Voting Paper (61)15 were cast as set out above, that the proposal set out in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 626.

N. D. RILEY
Secretary

W. E. CHINA
Assistant Secretary

International Commission on Zoological Nomenclature
London
23 *October* 1961